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6 OFFICE OF THE SECRETARY OF STATE

7 STATE OF MISSOURI

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13 PUBLIC HEARING

14 Wednesday, March 26, 2003

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OFFICE OF THE SECRETARY OF STATE

STATE OF MISSOURI

PUBLIC HEARING

having been conducted at 1:30 p.m. on Wednesday, March 26, 2003, at The Library Center, Meeting Rooms A and B, 465 S. Campbell, Springfield, Missouri, before MATT BLUNT, Secretary of State of the State of Missouri, and having been reported by KAREN S. ROGERS, Registered Professional Reporter, Certified Court Reporter, and Notary Public in and for the State of Missouri.

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A P P E A R A N C E S

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1 P R O C E E D I N G S

2 SECRETARY BLUNT: We certainly want to thank
3 so many of you for being here today. And I think the
4 election process is important, and in our state I think
5 we take pride in the fact that we have made some
6 substantial steps forward to improve that process. But
7 certainly we need to continue doing that.

8 And public input is important in that process
9 to ensure that we enact the best ideas in Jefferson
10 City, ones that can really be carried out by local
11 election authorities.

12 Right after I was elected Secretary of State
13 in November of 2000, I appointed a bipartisan
14 commission composed of local election authorities to
15 look at and examine our state's election laws and
16 determine how we might improve our state's election
17 standards.

18 In that process the first thing we did was
19 gather input around the state. And that public input
20 was extremely important in crafting a set of proposals
21 that really met the needs of our citizens. That is the
22 purpose for accepting public input today as we craft
23 the state plan.

24 Really there are two reasons we have a state
25 plan committee, and that plan committee is a very

1 diverse group of local election authorities, people
2 involved in political parties. Really any segment that
3 you can think of that would have a particular interest
4 in the election process is represented on the state
5 plan committee.

6 One of the missions, of course, is just to
7 help us continue to improve our election process in our
8 state and meet the needs of the citizens. Another is
9 to fulfill a requirement that we submit a state plan to
10 the federal government.

11 And the state plan committee is helping me
12 craft that document, and certainly this public
13 testimony is very important to them and I know it's
14 also very important to me as we continue forward.

15 We are fortunate enough to have -- actually I
16 should have said, I'm Matt Blunt, Secretary of State.
17 I'm sorry. I just started to talk.

18 We are fortunate to have several members of
19 that committee with us and also some of the
20 subcommittee chairs. And I will let them just say a
21 little bit about what their subcommittee work is
22 focused on.

23 But of course one of the first appointments I
24 made was to that bipartisan election reform commission
25 and to the state plan committee was somebody that I've

1 respected for a long time and does a fabulous job here
2 in this jurisdiction ensuring that the election process
3 is running the way that nobody challenges the integrity
4 of the result and has absolute confidence in the
5 process itself.

6 And it was somebody who really has gained the
7 respect of his colleagues and peers all across the
8 state. So Richard Struckhoff, the Greene County clerk.

9 MR. STRUCKHOFF: Thank you, Matt. Appreciate
10 that. Matt placed me on his plan committee and asked
11 me to chair -- be co-chair actually of a subcommittee.
12 And our three areas include provisional voting, which
13 the state did pass a law last year in anticipation of
14 the federal law, so we're almost there on provisional
15 voting.

16 We do have to come up with a public access
17 system after an election is over, a federal election,
18 so that people who cast a provisional ballot can dial
19 either a toll-free number or gain Internet access to
20 find out if their vote was actually counted.

21 We're also way ahead of the curve when it
22 comes to voter ID, thanks to some suggestions that
23 Matt made to the legislature last year that passed a
24 law which almost mirrors what the federal law it.
25 It's almost as though Matt had an inside track in

1 Congress somehow that he knew what was going to be in
2 this law.

3 The other area was the statewide database. We
4 already have a statewide database in Missouri, thanks
5 to Roy I guess really got that kicked off toward the
6 beginning and the fruition a few years after he was
7 Secretary of State.

8 But we have a ways to go with that, because
9 under the federal law it has to be pretty interactive
10 and almost up to the minute, and there's still some
11 discussion as to how up to the minute it's going to
12 have to be. So we do have some work to do there.

13 I'll introduce my co-chair and a good friend
14 of mine, a colleague, Pat Conway from Buchanan County.

15 MR. CONWAY: Thank you, Richard. It's my
16 privilege to be in Greene County today. I'm the county
17 clerk in St. Joseph and Buchanan County. I also had
18 the privilege when I was first elected as county clerk
19 to serve with Matt's father, Roy, when he was the
20 county clerk in Greene County and then with Richard.
21 And we've had a tremendously well -- a good
22 relationship.

23 I'm also privileged to serve as the National
24 Association of Counties representative on the board of
25 directors for that association. And I just returned

1 from Washington where we also met in our dealing with
2 the Help America Vote Act; of course, it's federal
3 legislation that we're attempting to comply with.

4 And I must say -- and I want to credit Matt
5 and his staff, Ann and Betsy and Gayla, his assistants,
6 also who have helped us as his liaison -- Missouri is
7 very far ahead of the curve as far as where
8 implementation is at the present time.

9 Our committee has met throughout the state.
10 We'll be continuing to meet and start to write a plan
11 next year. And we're tremendously interested in
12 hearing from those people who are interested in the
13 voting process.

14 We realize, as not only the Secretary of
15 State's office but local election officials, that we
16 have to get people out to the polls and get them to
17 vote. It's no longer just a process of sitting back
18 and counting ballots on election night.

19 And to make the polling places accessible,
20 make them easier to vote, to explain the issues as much
21 as we can, is an imperative thing for Missouri to
22 conduct elections on a high -- as high a level as we
23 can. And I think in the past we've maintained that
24 high level. And I hope we can continue to do that, and
25 I hope through hearings like this that we are allowed

1 to get information from the public that we can
2 implement into the new law. So thank you for being
3 here.

4 SECRETARY BLUNT: Thank you, Pat. And finally
5 I'd like to introduce the Johnson County clerk, Gil
6 Powers, who has served on the bipartisan reform
7 commission that I mentioned and continues to serve
8 today on the state plan committee. Gil.

9 MR. POWERS: Thank you, Secretary Blunt. I
10 want to also mirror some of the comments that the other
11 two chairs have made in commending Secretary Blunt for
12 being proactive from day one after taking office and
13 promoting improvements in elections in protecting that
14 system. And this is just a fine example of those
15 efforts that he's made.

16 In our committee, of course, we're also going
17 to be meeting the -- writing the standards and
18 suggestions for meeting the Help America Vote
19 requirements. And this will be pertaining to the
20 equipment and accessibility of the polls.

21 One of the things that Help America Vote Act
22 has done is created \$10.5 million funds to help replace
23 card punch systems for those districts that would like
24 to do that. It's not a mandatory thing, but it does
25 give us a financing instrument to do that. And that's

1 a great part of this Act.

2 We'll also be looking at second chance voting
3 systems, accessibility for those who need assistance so
4 that maybe they can now come to the polls and vote
5 unassisted in privacy and respect their rights to vote
6 as citizens.

7 Of course, any system that we would want to
8 look at would also have to have some type of manual
9 audit capacity that would assure the integrity of the
10 counts as well.

11 But accessibility for individuals with
12 disabilities is a major part of this. We'll be
13 evaluating accessibility to the polling places
14 themselves and how they can gain access at these
15 polling places in the districts.

16 We could go on and on here, but really what I
17 would like to do is just hear from you, because we
18 believe that is an important part of this. As election
19 authorities we work very zealously to protect the
20 election process, to make sure that it goes along great
21 and that there's no -- our constituents have confidence
22 in that election process.

23 And so as we're protecting that, I would like
24 to hear from you to see -- to take a chance to step
25 back and see as an election authority if I've done

1 something to maybe block your right to the vote. So
2 this is a good opportunity for us to stand back and
3 listen to what you have to say.

4 So with that, I'm just going to be quiet and
5 let us start getting to your questions.

6 SECRETARY BLUNT: Thank you, Gil. I would
7 like to say that there are other members of that state
8 plan committee that are here and will be of course
9 hearing the testimony. Those who aren't here have an
10 opportunity, that I know many of them are taking
11 advantage of, to read the transcript of what transpires
12 here today.

13 We are fortunate, we have two -- there's a
14 federal commission, election assistance commission, has
15 two members from each -- from each state, and both of
16 those members from Missouri are here.

17 One is -- was appointed by me, the general
18 counsel of the Secretary of State's office, Terry
19 Jarrett, serves on that federal commission, as does
20 Mary Berry. And Terry's in the back, as is Mary Berry,
21 who we'll hear from shortly as she presents some
22 testimony to us.

23 But to begin, we'll take them in the order we
24 received their input. Ann Morris is here, and Ann is
25 affiliated with the Southwest Center for Independent

1 Living.

2 COMMENTS BY ANN MORRIS

3 Well, you've already introduced me, so you
4 know where I'm from. For anybody else, the Southwest
5 Center for Independent Living is a local nonprofit
6 agency that provides services and resources and
7 advocacy for people with all disabilities. So of
8 course my main thrust is disability oriented.

9 I'm also a member of the Help Missouri Vote
10 coalition, and that's made up of a great number of
11 people from a variety of agencies who are also
12 primarily interested in disability voting.

13 Our issues for implementation include
14 provisional ballots, and you did say you're on that
15 committee. Within one week of election day a voter
16 registration card is mailed to all voters whose
17 provisional ballot was not counted. A voter casting a
18 provisional ballot will be able to have their vote
19 counted for all offices for which they qualify.

20 And then a centralized voter list, you have a
21 voter registration database. We are concerned about
22 disability and poverty. Persons with disability or in
23 poverty may be disenfranchised and not be on that list.

24 So we would like to have that linked to a
25 central electronic list where you get information from

1 the DMV database for registering voters, and that could
2 be used to correct common problems on a voter
3 registration card once the voter's identification is
4 confirmed.

5 And then the uniform poll worker training, I
6 think there's always a need for, and maybe repeated
7 rather often. By no later than August of 2004 the
8 Secretary of State will develop a statewide poll worker
9 training addressing accommodations for voters with
10 disabilities and non-English speaking voters, the
11 proper procedure for administering and handling
12 provisional ballots, curbside voting procedures, and
13 general sensitivity training.

14 You know, I can't represent everybody with a
15 disability, but we hear a lot of stories. And it's --
16 sometimes it's just very difficult for them to vote
17 under circumstances that we have.

18 Disability access. We would like to see a
19 nonsupplantation clause to bar local election
20 authorities from supplanting federal funds into the
21 general operating budget. I'm sure that won't happen,
22 but because we're in such a bind here, you just never
23 know.

24 And then any voting system purchased with
25 federal funds after January 1st, 2006, must be fully

1 accessible and allow all voters, including voters with
2 disabilities and blind and low vision voters, the
3 ability to cast a secret independent and verifiable
4 ballot.

5 This has always been a big issue. I think
6 it's the only group I know of with a disability that
7 still cannot cast a secret ballot. And I know the
8 problems associated with trying to make that happen,
9 but we would certainly like to see that happen with
10 this new money.

11 And then voter's rights. On election day at
12 every polling place we would like to see a voter's bill
13 of rights posted, which I have a small copy here. I
14 don't know -- have you seen this one?

15 MR. POWERS: I haven't, no.

16 MS. MORRIS: It's really nice. It will hang
17 on the door frame or whatever. Do you want me to read
18 these or are you in a hurry?

19 SECRETARY BLUNT: We've got as much time as
20 you do.

21 MS. MORRIS: Well, you know, I don't know if
22 everybody is aware of the voter's bill of rights, but
23 these are already part of law, so I mean it's not
24 really testimony. We would just like to see them
25 posted.

1 SECRETARY BLUNT: Uh-huh.

2 MS. MORRIS: But if anybody wants to look at
3 this, it's here.

4 SECRETARY BLUNT: If someone wants to see a
5 copy of that, to have one of those would be helpful to
6 us.

7 MS. MORRIS: Actually those are listed on
8 here, and I can leave this with you.

9 SECRETARY BLUNT: Please do.

10 MS. MORRIS: Okay.

11 SECRETARY BLUNT: Appreciate it.

12 MS. MORRIS: Thank you.

13 MR. POWERS: Don't leave.

14 MS. MORRIS: Now the grilling, huh?

15 SECRETARY BLUNT: First of all, I appreciate
16 your comments. I know though that -- it seems Richard
17 would have some questions.

18 MR. STRUCKHOFF: No, no. Actually, I'll thank
19 Ann. We've gone to her in the past for various things
20 and suggestions and whatever. I'm sure we're going to
21 be coming to you a lot in the future as we work toward
22 these goals that you just outlined and that the bill
23 mandates. Several of the things that you're asking
24 for, the bill already mandates.

25 MS. MORRIS: Right.

1 MR. STRUCKHOFF: Now several of the hearings
2 that we've held already -- and I may have asked you
3 this in the past. But do you have any idea what
4 percentage of blind voters can read Braille? Is there
5 any statistic out there?

6 MS. MORRIS: There is, and I don't know how
7 old this is. I mean it's a few years old. They say
8 about 10 percent.

9 MR. STRUCKHOFF: Okay.

10 MS. MORRIS: So it's not that great, and
11 there's kind of a common perception that blind people
12 read Braille, and that's not true, mainly because a lot
13 of people who are losing their vision are older and you
14 get glaucoma or whatever, and it's just much more
15 difficult to learn at that age.

16 MR. STRUCKHOFF: And actually that's the
17 figure that I think I've used, and I must have gotten
18 it from you.

19 MS. MORRIS: Probably.

20 MR. STRUCKHOFF: So thank you.

21 MS. MORRIS: Yeah. It's not that great.

22 MR. STRUCKHOFF: So Braille at least by itself
23 is not really going to be the answer?

24 MS. MORRIS: No, that won't solve everything,
25 no.

1 MR. STRUCKHOFF: We are currently looking at
2 audio systems.

3 MS. MORRIS: Mm-hmm.

4 MR. STRUCKHOFF: And some of the people who
5 have testified have said that they have actually used
6 and sampled what's called the E-slate. Are you
7 familiar with that or have you seen it in any of the
8 conferences that you attend?

9 MS. MORRIS: No, I haven't. Huh-uh.

10 MR. STRUCKHOFF: Okay.

11 MS. MORRIS: I have heard that audio balloting
12 is very slow, I mean can take 20 to 40 minutes and
13 that's just because you have to read through all of
14 that.

15 MR. STRUCKHOFF: Yeah. And not only that,
16 but --

17 MS. MORRIS: And then, you know, I do know a
18 person, and she's not alone, of course, who is not only
19 completely blind but has quite a definite hearing
20 impairment.

21 MR. STRUCKHOFF: Mm-hmm.

22 MR. POWERS: And that was going to be my
23 question. Does that 10 percent of blind that read
24 Braille, could that be a larger number than of the
25 people who are also blind and maybe deaf that are

1 required --

2 MS. MORRIS: Well, that number in itself is
3 fairly small to be both blind and deaf. That's a
4 pretty small number of the population. I don't know
5 the exact percent, but you know, it's very small.
6 Maybe 1.

7 MR. STRUCKHOFF: But are there any reliable
8 statistics somewhere that we can go to that you would
9 know of? I mean the census is really inadequate.

10 MS. MORRIS: Well, I could research it and
11 see, you know, what's the most updated.

12 MR. STRUCKHOFF: If you come across something,
13 Ann, let me know.

14 MS. MORRIS: Okay.

15 MR. STRUCKHOFF: I would sure appreciate it.
16 the census is really inadequate. There are people who
17 claim some disability --

18 MS. MORRIS: Yeah, they don't ask -- and the
19 reason they don't ask, "Are you disabled?" is because
20 of the subjectivity of the answer.

21 MR. STRUCKHOFF: Mm-hmm.

22 MS. MORRIS: You know. I mean you can be
23 missing two limbs and say, "Of course I'm not
24 disabled."

25 MR. STRUCKHOFF: Yeah.

1 MS. MORRIS: And you can be missing a pinkie
2 and say, "Oh, you know, I sure am. I need a
3 handicapped parking tag." You know. All they ask is,
4 "Are you working -- do you have a work disability
5 between 60 and 64?" But that makes it harder because
6 -- but there are places that do a lot of statistical --
7 gather statistics on disability. So I'll send you
8 whatever I can find.

9 MR. STRUCKHOFF: I appreciate it.

10 MS. MORRIS: Because I know some of the places
11 to look.

12 MR. STRUCKHOFF: Because we're -- this is
13 really going to be a daunting task for us just to set
14 up an audio type system.

15 MS. MORRIS: Uh-huh.

16 MR. STRUCKHOFF: That would mean that in every
17 precinct, where we may have three or four different
18 ballot styles in one precinct, that somebody is going
19 to have to read that information into I guess a .WAV
20 file. That's going to have to be linked up with the
21 technology to know when to turn the page and all that
22 sort of thing.

23 MS. MORRIS: Right. And then how do you cast
24 the ballot?

25 MR. STRUCKHOFF: By pressing various shaped

1 buttons apparently is how this E-slate works.

2 MS. MORRIS: Okay.

3 MR. STRUCKHOFF: So we're --

4 MS. MORRIS: I'm not the assistive tech
5 person. See, we've gotten so big that we have
6 specialties now. I used to know all of it. Now I
7 don't go to those conferences.

8 MR. STRUCKHOFF: I think we're all about to
9 become more astute in technologies.

10 MS. MORRIS: Yes, we are. Yes. And thank
11 goodness we have them.

12 MR. STRUCKHOFF: Yeah.

13 MS. MORRIS: You know. So but I think we're
14 -- you know, in this area in Greene County are in
15 pretty good shape as far as access to the polls. I'm
16 sure it's not a hundred percent.

17 MR. STRUCKHOFF: We're awfully close. Some of
18 the places where we thought were accessible, you know,
19 because a ramp was built may not be exactly ADA.

20 MS. MORRIS: Mm-hmm.

21 MR. STRUCKHOFF: But at least the number of
22 complaints have really gone down. Again, the biggest
23 concern that we're hearing, like we heard in our
24 hearings, people want to cast a ballot in secret.

25 MS. MORRIS: Sure, yeah, they do.

1 MR. STRUCKHOFF: Yeah.

2 MS. MORRIS: You know, if any one of us can do
3 that, all of us should be able to.

4 MR. STRUCKHOFF: Now I have to qualify that.
5 Not everybody. We have a gentleman whom I -- I think
6 you know him; I won't mention his name publicly but
7 I'll tell you after the meeting.

8 He comes before just about every election and
9 votes. He comes to our office. Had a seeing eye dog
10 for a long time. Recently he had to put the seeing eye
11 dog down and is now waiting for another one.

12 But he makes his way to the courthouse to vote
13 an absentee ballot almost for every election. My staff
14 reads the ballot to him and he indicates his
15 preferences and we vote the punch card for him.

16 And yesterday when he voted I said, "If you
17 have a minute, please come into my office," so he did.
18 And I said, you know, "What do you think of Help
19 America Vote Act?" He was aware of it. He said, "I
20 don't believe I need it." He said, "I trust, you know,
21 your staff. I like to be able to come here."

22 He said, "If you were going to spend that kind
23 of money, I would prefer that you spend it on audio
24 traffic signals. Because I was almost killed the other
25 day trying to cross the street." Because he doesn't

1 have the dog anymore. Now that's something that people
2 could use every day.

3 MS. MORRIS: But that's a real controversial
4 subject too.

5 MR. STRUCKHOFF: Oh, it is. It is.

6 MS. MORRIS: Because some blind people hate
7 those and others want them. That's a whole other day.

8 MR. STRUCKHOFF: He apparently would like the
9 opportunity to hear one.

10 MS. MORRIS: Yeah.

11 MR. STRUCKHOFF: But that's where I think most
12 government officials are coming down. You know, these
13 are systems that on the outside we would use five days
14 out of the year.

15 MS. MORRIS: Mm-hmm.

16 MR. STRUCKHOFF: And we're compelled under
17 this federal Act to have one of these devices at every
18 precinct. And frankly, Ann, I'm not sure that many of
19 them will be used at all.

20 MS. MORRIS: What about people that are
21 illiterate, would they not make use of an audible
22 ballot?

23 MR. STRUCKHOFF: They could.

24 MS. MORRIS: Yeah. And the more people we get
25 in from, you know, Romania and Mexico and wherever,

1 well, sometimes you can understand a lot more spoken
2 language that you can read. So I don't think it would
3 strictly be used for people with visual problems.

4 MR. STRUCKHOFF: Was this intended for me or
5 to ask her?

6 MS. BETSY BYERS: To ask her a question.

7 MR. STRUCKHOFF: Okay. We were handed a
8 question. Who do you recommend election authorities go
9 to to get assistance on assessing the accessibility of
10 their polling places? I know that your organization
11 has helped us in the past.

12 MS. MORRIS: Yeah. We can do that. The ADA
13 Project can do it.

14 MR. STRUCKHOFF: How many counties do you
15 cover?

16 MS. MORRIS: Eight.

17 MR. STRUCKHOFF: Eight counties?

18 MS. MORRIS: Mm-hmm.

19 MR. STRUCKHOFF: I would suggest election
20 authorities call Ann, Southwest Center for Independent
21 Living. She can --

22 MS. MORRIS: Yeah. And if you want the ADA
23 Project to do it, they cover parts of three states.
24 However, I trained the man that works up there.

25 MR. STRUCKHOFF: So we should call you.

1 MS. MORRIS: Well, you can, or you have a
2 choice.

3 SECRETARY BLUNT: Thank you.

4 MR. STRUCKHOFF: Thank you very much, Ann.

5 MS. MORRIS: You're welcome.

6 SECRETARY BLUNT: Pat?

7 MR. CONWAY: Nothing.

8 SECRETARY BLUNT: Next if I could ask Mary
9 Berry, who's the DeKalb County clerk, to come forward.
10 And as I mentioned, she's one of Missouri's two members
11 to the election systems commission.

12 MS. BERRY: Good afternoon.

13 SECRETARY BLUNT: Hi, Mary.

14 COMMENTS BY MARY BERRY

15 I won't tell you my name; you all know my
16 name. And I do want to first say that Matt, I want to
17 congratulate you on having the foresight and the wisdom
18 in having the groups together.

19 I have learned so much working with the
20 disability groups. It has enlightened me when we
21 thought that we were doing everything we could or
22 trying our best. It has really brought a lot of
23 information to us that we didn't have or didn't see.
24 It's been very good.

25 SECRETARY BLUNT: We're glad.

1 MS. BERRY: I want to say to the lady -- to
2 Ann that the bill of rights that she was speaking
3 about, one of the members of my subcommittee has
4 presented that to us, and the plan that we have worked
5 on has that in it. We hope to have that at each of the
6 polling places, to have it sent out when individuals
7 are registering to vote, either by motor voter or in
8 the registrar's office or however it's done so that
9 each individual can have that in hand.

10 Also one of the persons on the subcommittee
11 would like to have it on the voter ID card when it goes
12 out. It's quite lengthy, and that's the question as to
13 how it can be reduced down so that it fits on that
14 voter ID card with the size that we have now, so it's
15 just a thought. Maybe even just a brief statement that
16 there is a voter bill of rights that could be accessed
17 in some way if they want to read it.

18 I want -- the committee that I'm serving on
19 right now is working on mail-in registrants, first-time
20 voters, instructions on how to vote, how to cast
21 original ballots, and the voting rights as well as the
22 bill of rights. Here's that bill of rights that I
23 have.

24 We're also -- the total committee works on
25 voter education and information, poll worker training,

1 which includes sensitivity training, college poll
2 worker plan, which includes youth participation, the
3 administrative complaint process, and military and
4 overseas voting. That's what the subcommittee for
5 training and education is working on right now.

6 Sorry that Sharon Turner couldn't be here
7 today; she's the chairman of that, or the co-chairman
8 of that. But I just think it's working very well.

9 SECRETARY BLUNT: Well, I'm glad. I'm glad
10 you've been attending some of the public testimony
11 around the state. Anybody have comments?

12 MR. STRUCKHOFF: When we're talking about a
13 device in every precinct, you come from a rather rural
14 area. How many precincts?

15 MS. BERRY: I have 11.

16 MR. STRUCKHOFF: 11 precincts, and they're
17 mostly in rural areas of your county?

18 MS. BERRY: Yes.

19 MR. STRUCKHOFF: Do you see -- if you were to
20 spend, and we're looking at anywhere from \$5,000 up per
21 unit for the type of devices that we're talking about.
22 Do you see use in all of your precincts for these?

23 MS. BERRY: No. And I'm a small county, and I
24 mean a really small rural county. And I know a large
25 percent of the people that move in and out; you just

1 simply do when you're in a small county.

2 As individuals that are disabled probably by
3 blind, I only know of one or two that would even use it
4 if they're blind. The deaf might be more than that.
5 Disabled in other physical means, I really couldn't
6 tell you.

7 But we just have very few people that are
8 blind in the county. We just simply don't have.

9 MR. STRUCKHOFF: If you had to use this system
10 by itself, okay, and the other voting devices in your
11 precincts were of a different nature, say an optical
12 scan or whatever, do you think it would be easier to
13 figure out how just one person who used that machine
14 voted?

15 MS. BERRY: Oh, absolutely. Absolutely.

16 MR. STRUCKHOFF: So actually, more people
17 could find out how that person voted --

18 MS. BERRY: Yes.

19 MR. STRUCKHOFF: -- because they're using a
20 different device?

21 MS. BERRY: Yes. But I don't know how to
22 comply with the law and not have it.

23 SECRETARY BLUNT: I'm glad you're on the
24 federal commission.

25 MS. BERRY: Well, just a small county -- of

1 course, there's a lot of small rural counties in
2 Missouri. And the larger percentage of us are.

3 SECRETARY BLUNT: You bet.

4 MR. STRUCKHOFF: And before you leave, I'll
5 say this to you and all the other county clerks who
6 traveled here. We operate pretty much on sales tax,
7 and I know you're a big shopper. And I will be more
8 than happy to give you directions to our mall.

9 MS. BERRY: I've already been, right across
10 the street from the St. Louis Bread Company. I've
11 spent dollars today.

12 MR. STRUCKHOFF: Thank you very much.

13 SECRETARY BLUNT: And also we have a Greene
14 County commissioner, Darrell Decker. Darrell?

15 COMMENTS BY DARRELL DECKER

16 Good afternoon, Mr. Secretary and members of
17 the committee. I hold one of those jobs where I'm
18 responsible for trying to use the taxpayers' money to
19 manage the checkbook in such a way that we get maximum
20 benefit for every dollar that we spend.

21 Now I want to tell you that this is very
22 awkward for me today because of my clerk being up at
23 the front today. Normally when my clerk addresses me,
24 he's on this side. And so turnabout's fair play.

25 I would like to address this from the term --

1 from the scope of unfunded mandate. And regardless of
2 what federally we're told they're going to apply to a
3 project, we all have been on the other end of that that
4 we realize never is the amount of money appropriated
5 that gets talked about.

6 And then when it starts to make its way from
7 the federal coffers to state and then down to local,
8 for some reason or other there seems to be some method
9 of taking a portion off the top that never do the
10 dollars really get where they're actually needed as far
11 as trying to implement something like this.

12 Greene County has -- and I'm sure Richard has
13 the number off the top of his head, but somewhere in
14 the neighborhood of 113, 114 precincts. You look at a
15 situation where even one machine per precinct, and
16 you're looking at \$4,000 upward, a \$5,000 figure for a
17 machine, you're looking at a half a million dollar
18 expenditure just in the purchase of one per precinct.

19 That says nothing about programming the
20 machine, that cost. That says nothing about
21 maintenance. That says nothing about storage. And I'm
22 assuming we're dealing with something here that is a
23 computer-generated type of program that helps it
24 operate for the computer. What do we have in terms of
25 just storage as far as climate control and things like

1 that that we now don't deal with with the punch card
2 systems that we have.

3 And so I see two different things going on
4 within the -- this effort of trying to -- how do we
5 refine the process of voting that have a tendency the
6 way they're being structured to conflict with each
7 other. But I think we have the opportunity if we're
8 innovative to maybe figure out a way to make them work
9 together.

10 And that is there's a tremendous effort at the
11 present time to go from just absentee voting, which
12 starts six weeks ahead of election, to the voting
13 process of just early voting, whereby without having to
14 declare an absentee reason just simply the process of
15 early voting just because I don't want to go stand in
16 line on election day.

17 And it appears to me that an effective use of
18 dollars would be able to look at precincts and to
19 analyze precincts as far as the need for this type of
20 equipment is concerned. And possibly this equipment
21 needs to be in less distribution than every voting
22 precinct.

23 There needs to be some way of dealing with
24 this where it could be tied with the early voting
25 process so that there is time for people to access the

1 ability to vote. And particularly do so in many
2 jurisdictions that literally there is no way to handle
3 the cost of trying to make something available in every
4 precinct where maybe it will never be used.

5 In Greene County the past budget cycle, the
6 State of Missouri withdrew funding for enough programs
7 and enough services that are state responsibility that
8 Greene County's budget this cycle has been hit
9 three-quarters of a million dollars. That's per year.
10 That's an ongoing process that we are short that much
11 revenue that is in our current budget that just isn't
12 going to be there because of changes in the state.

13 The last thing we need to do is to see
14 additional unfunded mandates that cause us to be in a
15 situation of not being able to deliver the services to
16 our voters that we've made a commitment to do.

17 I have -- in early part of this year already I
18 shared with a number of different civic organizations
19 and usually when I do programs with them I basically
20 take the executive summary of our budget and that's
21 what I let be the outline of my presentation.

22 And I leave each group with a promise that the
23 Greene County commission will do everything in its
24 power so that the way that we handle the public
25 checkbook will be done in such a way that we will not

1 mismanage the public dollar. We will not put the
2 county in a position of not being able to meet its
3 requirements and its responsibilities.

4 But I tell each group, "I have no control over
5 what the state or the federal government does to us."
6 And so Greene County, even though it's not in the
7 position that the State of Missouri is in right now,
8 trying to figure out how to pay the light bill, that's
9 not to say that we can't be in that position tomorrow,
10 simply because of other jurisdictions placing things on
11 us that we cannot handle.

12 And so I would urge for -- I know that we have
13 some time, that there's waivers and things available I
14 think as far out as, what, 2006 on some of this. And
15 so I would like to see, even if we need to be
16 addressing at the federal level -- I'm really glad that
17 Mary Berry is here -- that we need to be addressing at
18 the federal level, do we take a second look at what
19 we're trying to do and say, "Yes, what we're trying to
20 accomplish is a great thing and needs to be."

21 But maybe there are more economical ways to be
22 dealing with it, more realistic ways to be dealing with
23 it. And maybe this concept of early voting, tying it
24 with the accessibility issue is more the direction that
25 we need to be looking.

1 SECRETARY BLUNT: Thank you, and I certainly
2 share your concerns about unfunded mandates from the
3 federal government to the states and the states to the
4 localities. And I appreciate your comments about early
5 voting. I'm an advocate of an early voting program in
6 our state. I do think it would alleviate some of the
7 problems that we have with servicing people on election
8 day.

9 Actually next week we'll be issuing a report
10 to the legislature that will outline how much it would
11 cost to go to an early voting system in our state. And
12 there's an initial one-time cost, an ongoing cost in
13 addition to that.

14 They're substantial, but they're certainly
15 nowhere near as substantial as some of the costs that
16 are about to be incurred because of this purchase of
17 new equipment and other things we have to do to be in
18 compliance with the federal law.

19 And unfortunately, I've never met anybody who
20 believes that the federal government even plans to
21 appropriate enough money to really cover the cost of
22 full implementation. And I do think they're planning
23 on the states and localities and local government to
24 making the investment.

25 And obviously this is a time where it's very

1 difficult to make any new expenditures or take on any
2 new responsibilities.

3 And I think as Richard pointed out, you're
4 talking about a process that's used several days in the
5 year, and it's often difficult to make the argument
6 that that's where you ought to make your investment
7 rather than things that can be used all the time by our
8 citizens. But I'm sure others would like to comment as
9 well.

10 MR. STRUCKHOFF: I want him to be kind to me
11 next time --

12 MR. CONWAY: Let me talk, Richard. I know how
13 dealing with your commission works, and I'll handle it
14 from the north side.

15 Darrell, I appreciate your comments. One of
16 the things that I try to sneak into these hearings, not
17 necessarily for the elected officials who are present
18 here or for the Secretary, but a lot of people don't
19 realize that all elections are paid for at the local
20 level.

21 Even the primary election and the presidential
22 election, although they are our highest turnout
23 elections by far, especially the presidential, that the
24 federal government does not actually contribute to
25 printing the ballots or programming the machines or

1 hiring the election judges. And the state funding does
2 not really come into play unless the state has a
3 particular election.

4 So as you do your budget, I know every
5 even-numbered year when I present the budget to the
6 commissioners and I have to ask for an additional
7 \$150,000, they go, "Well, you didn't have it last
8 year," and I have to explain, "We didn't have any
9 elections last year, guys, so you know, help me out
10 here."

11 MR. DECKER: We all use that same excuse.

12 MR. CONWAY: Yeah. Does Richard use that same
13 line? I think it's one I learned from his dad.

14 But I think that that's an important thing
15 that we want to get out to the general public is to
16 realize that as we implement these improvements and we
17 try to act within the boundaries of the Help America
18 Vote Act, that most of these cost factors is what we
19 get from the federal government.

20 But the ongoing task of conducting the primary
21 and the general elections and that the school districts
22 and the cities have to contribute for their own
23 elections, that when they say all elections are local,
24 all elections are local and all the costs are local
25 too. So I appreciate your comments.

1 MR. DECKER: Gentlemen, there's discussion
2 about superprecincts and things like this, of trying to
3 combine precincts together. And I would ask is there a
4 way to maybe do that, to think about that? And I don't
5 mean superprecincts trying to cut Greene County's
6 precincts necessarily from 113 down to 50 or something
7 like that.

8 But I'm saying is there a way by definition to
9 create a superprecinct that is a larger jurisdiction
10 than just a normal precinct that people would make
11 application to in order to vote in that superprecinct?
12 In other words, is there a way to deal with that
13 process and also handle the accessibility issue?

14 And a question for Richard: Richard, what do
15 we have, five, six hundred machines countywide? What's
16 the number that we have?

17 MR. STRUCKHOFF: A thousand.

18 MR. DECKER: A thousand, yes.

19 MR. STRUCKHOFF: That are available to us in
20 our presidential election. A thousand voting devices.

21 MR. DECKER: If we had to change them all to
22 one standard type so you couldn't pick out, "Okay, who
23 voted thisaway because they had a different machine
24 than someone else does." See, we're talking about \$5
25 million just in Greene County just in the purchase

1 process without trying to maintain or anything else.

2 So I appreciate your consideration.

3 MR. STRUCKHOFF: Let me make one comment about
4 superprecincts, and this came up at our state planning
5 meeting. The ultimate effect of the Help America Vote
6 Act could make voting more difficult for the majority
7 of people who normally vote.

8 MR. DECKER: Yes.

9 MR. STRUCKHOFF: I mean people are used to
10 going to their neighborhood precinct, which could be
11 within walking distance of their home. And if we start
12 shrinking this to save costs because we don't want to
13 put a handicapped voting accessible machine in that,
14 you know, little neighborhood precinct, that would be
15 terrible in my estimation.

16 But it's happening already. I mean in many
17 jurisdictions across the country, people are saying,
18 "Hey, we're not going to be able to afford this. We're
19 going to have to shrink the number," which means people
20 are going to have to -- most people will have to then
21 travel further.

22 I say we could still have superprecincts and
23 make those precincts available and fully handicapped
24 accessible with the handicapped accessible equipment.

25 MR. DECKER: Yes.

1 MR. STRUCKHOFF: And that's where we could
2 send people who need to change their address, because
3 all voting style ballots would be available in that
4 superprecinct, rather than clog the neighborhood
5 precincts.

6 And really -- you're really helping the person
7 who does keep their address current who does like to
8 walk across the street to cast a ballot, you know, get
9 the people who need to change their address, send them
10 to a superprecinct, and send people who need -- or who
11 have special needs for accessibility, send them to that
12 superprecinct.

13 MR. DECKER: Well, that's certainly what I'm
14 trying to say. I think there's a way to combine
15 several of these issues together and reach a way of
16 getting to what we're trying to accomplish without
17 creating the burden that is just totally unbearable on
18 the taxpayers of every community.

19 SECRETARY BLUNT: Thank you very much.

20 MR. CONWAY: Thank you, Darrell.

21 SECRETARY BLUNT: We have a number of other
22 county clerks and election officials here. Would
23 anybody else like to offer any comments or voice any
24 concerns?

25 MR. STRUCKHOFF: Oh, you should hear them at

1 our meetings.

2 SECRETARY BLUNT: Certainly I would want to
3 thank those that took the time to testify. I thank all
4 of you for being here and having an interest in the
5 election process. Certainly I'm grateful that state
6 planning committee members made the trip here and
7 grateful that so many Southwest Missouri county clerks
8 chose to come as well. Thank you very much.

9 MR. STRUCKHOFF: And I would just like to say
10 we're proud that you're one of our favorite sons.
11 We're also very proud of this facility. Make sure if
12 you haven't looked around, that you do. This is just a
13 tremendous library system that we have.

14 They're actually building another facility
15 very much like this one on the north end of town. So
16 spend some money and thank you all.

17 SECRETARY BLUNT: Thank you.

18 (The public hearing was concluded at

19 3:45 p.m.)

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1 REPORTER'S CERTIFICATE

2 STATE OF MISSOURI)
3) SS:
4 COUNTY OF GREENE)

5 I, Karen S. Rogers, Registered Professional
6 Reporter, Certified Court Reporter, and Notary Public
7 in and for the State of Missouri, do hereby certify
8 that I was personally present at the taking of the
9 proceedings as set forth in the caption sheet hereof;
10 that I then and there took down in stenotype the
11 proceedings had at said time; and that the foregoing is
12 a full, true, and accurate transcription of such
13 stenotype notes so made at such time and place, all to
14 the best of my skill and ability.

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Karen S. Rogers, RPR, CCR No. 846,
Notary Public

My commission expires March 19, 2004.

